

Town of Cazenovia Planning Board

Meeting Minutes

March 7, 2024

Members Present: Robert Ridler, Chairman; Anne Ferguson; Linda Cushman; Dale Bowers; Gerald Rasmussen; Mary Margaret Koppers; Jerry Munger, Alternate Member

Members Absent: Thomas Clarke; Roger Cook, Alternate Member

Others Present: John Langey; John Dunkle; Chuck Ladd; James Golub; Riley Dixon; Thomas Dixon; Valerie Clarke; Anthony Catsimatides; Edward (Ted) Spencer, Esq; Audra Schmidtka; Zach Ryan; Matthew, Siau; John Watson; Luis Torrent; Sheila Fallon

R. Ridler called the meeting to order at 7:30 P.M. and asked that attendees sign in.

Roll was taken; all were present except for Thomas Clarke and Roger Cook. Jerry Munger served as a voting member in Mr. Clarke's absence.

The next regularly scheduled meeting will be Thursday, April 4, 2024.

The next deadline day will be Wednesday, March 20, 2024.

The next regularly scheduled work session will be Thursday, March 28, 2024.

Motion by A. Ferguson, seconded by M. Koppers, to approve the February 1, 2024 meeting minutes was carried unanimously.

HEARINGS

*Golub, James & Janine – Line Change – 1590 Peth Road & West Lake Road
With Rubenstein, Elaine*

*Our Farm the Golubs, LLC – Minor (1) Subdivision – 3360 Peth Road
File # 23-1510 (Mary Margaret Koppers)*

James Golub was present to represent the file.

R. Ridler asked him to summarize the proposal.

J. Golub explained he would like to buy an 8-acre piece of land from the Rubensteins in order to qualify for farmland preservation incentives so that involves a line change between their two (2) properties. At the same time, he would like to create a line on the second property (at 3360 Peth Road) to separate the house from the rest of the parcel.

R. Ridler clarified that a lot would be created for the second house owned by the Golubs.

J. Golub replied that was correct.

Motion by M. Koppers, seconded by A. Ferguson, to open the public hearing was carried unanimously.

R. Ridler invited comments at this time.

Hearing no comments, motion by A. Ferguson, seconded by M. Koppers, to close the public hearing was carried unanimously.

Motion by M. Koppers, seconded by G. Rasmussen, to approve the minor subdivision and the line change as most recently submitted was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

Dixon, Riley & Allison – Reapply - Minor (1) Subdivision – 5701 East Lake Road, Cazenovia

File # 23-1456

Dixon, Riley & Allison – Site Plan Review – 5701 East Lake Road, Cazenovia

File # 23-1513

(Linda Cushman)

Riley and Thomas Dixon were present to represent the file.

R. Ridler explained this was a re-application for a minor subdivision.

T. Dixon said they had applied for the subdivision previously. He elaborated that Riley and Allison had bought an 80-acre parcel from Al Crawford, and the situation was that the existing house was situated on a 3-acre part of the parcel on the west side of East Lake Road, and the balance of the acreage was on the east side of East Lake Road with barns and run-in shelters. Their intent was to subdivide and sell the land on the west side of East Lake Road and to build a new house on the east side of East Lake Road.

A. Ferguson asked Mr. Dixon to show where on the site plan drawing the new house would be built.

Referring to the drawing entitled *Lands of Crawford Farms, LLC Part of Lot 24 of the One Mile Strip In the Town Of Cazenovia Madison County, New York by SeGuin Land Surveying, PLLC dated 12/19/2022*, T. Dixon showed where the proposed house would be located, saying the topography was shown, but the house would be built on the hill.

It was clarified that the subdivision had been previously approved.

M. Koppers recalled the initial approval had set a date for construction of the new house to begin.

T. Dixon explained about the timeframe of getting the engineering completed, but said they were now ready to apply for a building permit for the new house.

A. Ferguson recalled a question about the placement of the house in regard to the other accessory structures already located on the site.

T. Dixon believed a site plan had been submitted showing the location of the house.

The drawing entitled *Lands of Dixon Part of Lot 24 Of The One Mile Strip In The Town Of Cazenovia Madison County, New York* created by SeGuin Land Surveying, PLLC dated 05/25/2023 was viewed.

A. Ferguson asked if the accessory structures were no longer an issue.

T. Dixon said that was correct.

L. Cushman asked if the Board should reapprove the subdivision and then address the site plan review.

J. Langey suggested the Board remedy the lapsing of the subdivision by reapproving the original conditions and reaffirming the environmental review, saying nothing has changed. He said once that has been addressed the Board could proceed with the site plan approval as a separate piece.

J. Langey recalled the Applicants had initially been given a year to commence construction of the residence, and he believed the Applicants were now ready to commence construction. He noted the Applicants had been given a year to begin construction of the residence from the time the Applicants had been given an area variance for the subdivision by the Town Zoning Board of Appeals, which has not expired. He asked if the Board wanted to condition the reapproval of the subdivision with construction to be within another year or if they wanted a shorter amount of time for the commencement of building.

A. Ferguson felt a year was fine.

Motion by L. Cushman, seconded by D. Bowers, to reappoint the Planning Board as Lead Agency for the purposes of the State Environmental Quality Review (SEQR), to reaffirm the matter an Unlisted Action and make a Negative Declaration based upon the initial review of the Short Environmental Assessment Form (SEAF) and to reapprove the minor subdivision as previously submitted with the original conditions was carried unanimously.

R. Ridler asked if there were elevations for the new house.

T. Dixon answered they could provide those.

A. Ferguson explained the site plan could not be approved without the elevations.

T. Dixon responded he would provide whatever the Board needed.

A. Ferguson said Mr. Ladd could let Mr. Dixon know what was needed.

D. Bowers said the site plan application outlines what was needed.

L. Cushman elaborated the Board has information letting them know the house will be 5000 square feet, but they lack the details about how the house will look and what materials will be used.

T. Dixon said he would review the application and provide what was lacking.

J. Langey said this would be a Type II Action in regard to SEQR. He said next month the Board can address the entire approval.

T. Dixon asked if he should submit a building permit simultaneously.

C. Ladd explained the permit would not be issued until there was site plan approval.

J. Langey suggested the permit be submitted so Mr. Ladd could let the Applicants know if there was anything lacking for the permit.

Motion by L. Cushman, seconded by A. Ferguson, to continue the file was carried unanimously.

*The Glen at Lakewood Way, LLC – Site Plan Review – 5114 Lakewood Way, Cazenovia
File # 23-1507 (Jerry Rasmussen)*

Valerie Clarke was present to represent the file.

V. Clarke said they constructed a greenhouse last spring/summer and they did not know it required any approvals because it was smaller than the minimum square footage requiring a building permit. She was unaware that they needed an approval for an extra building on their property, but they were given that approval last week. She said they were on the lake so they have two front yards and the placement of the greenhouse was to be determined by this Board.

A. Ferguson asked Ms. Clarke to show the Board on the submitted plan where the greenhouse was situated.

A portion of the site plan drawing was submitted with the file and Ms. Clarke explained the location of the greenhouse in relation to Lakewood Way, the house, the garage, and the lake.

V. Clarke said the lot was two (2) acres. She explained the location of the lane that comes from Lakewood Way and connects to the driveway. She also showed where there were walnut and oak trees on the property.

A. Ferguson asked the size of the structure.

V. Clarke answered it was 10' X 13'.

G. Rasmussen displayed a photo of the greenhouse on his iPad.

V. Clarke said it was eight (8) feet high at the peak and it was a Quonset hut shape.

D. Bowers understood Ms. Clarke was granted an approval for an extra building on the lot, but the Zoning Board of Appeals (ZBA) was looking to the Planning Board to site the structure. He wondered where that location was in the opinion of those who had visited the site.

R. Ridler explained that Ms. Clarke had positioned the structure on a pad.

V. Clarke elaborated that it was located on a level gravel pad, saying the property slopes toward the lake.

G. Rasmussen asked Ms. Clarke to explain how she came to choose the location for the greenhouse.

V. Clarke checked her site at various times of the day on different days to determine where she would get the best sun, since her property has many mature trees. She said it was also the best land. Part of her property has springs in addition to the many oak trees.

A. Ferguson asked if there was any vegetation along the fence which parallels Lakewood Way. She explained the issue was how the greenhouse looked “from the other side.”

V. Clarke said there were “giant trees” along that edge, but one could look through those large trees, so she would be happy to plant other trees that could grow among the walnut trees.

A. Ferguson and R. Ridler mentioned the addition of shrubbery.

V. Clarke responded she would not want any of the screening to shadow the building.

A. Ferguson suggested shrubs would block the view of the greenhouse even if they were not close to greenhouse.

R. Ridler thought the number and size of the screening should be considered, understanding there was a neighbor who was impacted. He suggested rather than screening the whole frontage, Ms. Clarke could focus just on screening the greenhouse.

D. Bowers wondered if Ms. Clarke had consulted the (impacted) neighbor, who had been in the landscape design business.

V. Clarke answered she had decided on planting hemlocks which would screen year-round, are deer-resistant, and can grow near walnut trees.

D. Bowers assumed the Applicant had not reached out to the neighbor.

R. Ridler and G. Rasmussen answered, “No.”

R. Ridler explained the neighbor had presented his case to the ZBA.

A. Ferguson thought hemlocks would block the (neighbor’s) view of the lake even more. She did remark that the neighbor had no control over the view.

J. Munger believed if one liked the view, one needed to own it. He did not think Ms. Clarke should be asked “to jump through hoops” to preserve the neighbor’s view.

D. Bowers pointed out this (measure) was for Ms. Clarke’s additional accessory structure however.

J. Munger countered Ms. Clarke was approved to have it.

D. Bowers responded that a condition of the approval was for the Planning Board to determine the best location. He agreed if it were the first accessory building, Ms. Clarke could put it where she wanted, but he felt her violation with this accessory structure “changes everything.”

J. Munger disagreed saying he did not think it changed anything. He said if she were not in violation, the Planning Board would still be discussing where the building should go.

D. Bowers believed neighborhood reaction would still be taken into consideration.

J. Munger noted Ms. Clarke has agreed to provide screening.

R. Ridler asked if Ms. Clarke understood. He said she would select her plantings and she would position them to screen the structure but minimize the screening of views. He asked the dimension on the Lakewood Way side.

V. Clarke said it was 13 feet on that axis.

R. Ridler advised she not put anything greater than 13 feet as screening, so as to not screen more than the structure itself.

A. Ferguson suggested Ms. Clarke view the site from the vantage point of the neighbor.

J. Langey suggested the plantings be located and identified on a map for future understanding and verification of compliance. He explained he wanted to avoid future problems.

V. Clarke asked if neighbors do not have protected viewsheds, why would there be a restriction regarding where one plants.

J. Langey explained that the Planning Board has input regarding the placement of plantings when doing site plan reviews. He assured Ms. Clarke that the Planning Board will balance her rights with what might work best with the neighborhood. He said the Board would be sensitive to her and to the neighbors. He could not say how the Board would vote, but he felt the Board would most likely approve the project, but they would do it in a judicious way to make most of the people happy to the greatest extent.

V. Clarke understood the need to make people happy, but wondered if there was no legal right to a view, why that was a consideration.

J. Langey responded this was not about the view, it was about site plan approval, and site plan approvals include details such as plantings.

V. Clarke replied, "I understand." She asked if she wants to do any (other) plantings, if she would need site plan review.

D. Bowers answered, she did not, and he explained the reason she was having site plan review was because she has a second accessory structure (in the lake watershed). He repeated it was because of the violation of a second structure that the Board "was getting into this." He said without the violation Ms. Clarke could plant without any review required, but the plantings around this building are part of the approval for the building.

J. Langey added the ZBA conditioned their approval on the Planning Board's determination of the location. He said the Planning Board has indicated she may keep the greenhouse where she has it but some screening will be necessary. He said that was part of the Planning Board's purview.

V. Clarke stated she has "no problem planting trees."

J. Langey asked the Board if they wanted to see something more definitive about where and what type of planting species will be used. He understood hemlocks had been mentioned.

R. Ridler said based on some recent issues that have arisen, he felt that was advisable.

G. Rasmussen asked if Ms. Clarke could provide that.

A. Ferguson asked if Ms. Clarke could sketch the quantity and location on the site plan drawing in the file.

J. Langey suggested the size be included as well.

C. Ladd remarked the expanse of trees would be there longer than the greenhouse.

V. Clarke sketched 12 hemlocks to be added in an area between the walnut trees and the greenhouse.

A. Ferguson suggested the saplings be 6 – 8 feet upon installation.

R. Ridler opposed that choice. He suggested plantings that were more in keeping with the height of the greenhouse. He did not think a shrub would cast a shadow over the greenhouse and a shrub would not obstruct the view through the property that hemlocks would.

G. Rasmussen asked if the placement of the hemlocks indicated on the drawing would not obstruct the view for the neighbor.

V. Clarke answered, "Right." She alleged the hemlocks would block the view of the greenhouse but not the neighbor's better view of the lake. She said in the summer the walnut tree foliage and the boathouse already block that potential view where the hemlocks would be planted.

G. Rasmussen concluded that placement of plantings was reasonable and acceptable.

V. Clarke responded, "Okay."

M. Koppers thought six (6) trees would be sufficient.

V. Clarke replied hemlocks "do not grow that fast." She thought to be effective she needed more.

A. Ferguson remarked hemlocks would grow to be more than a foot in circumference.

V. Clarke responded, "Well, I've never had a hemlock that big."

R. Ridler asked Mr. Ladd if he could work from the sketch.

C. Ladd answered, "I'm good."

A. Ferguson asked Ms. Clarke to initial and date the drawing.

J. Langey asked Chair Ridler to initial and date the drawing as well.

J. Langey said this was a Type II Action in regard to SEQR.

Motion by G. Rasmussen, seconded by J. Munger, to approve the site plan as most recently submitted and with the location of the 10' X 13' greenhouse to remain where it has been installed and conditioned upon the planting of 12 hemlock trees to be added as indicated on the site plan drawing with the understanding that if any die or are diseased, they will be replaced, and that the planting shall be done in the 2024 growing season was carried unanimously.

*Glass, James & Gina – Site Plan Review – 4192 Meadow Hill Road, Cazenovia
File # 24-1518
(Mary Margaret Koppers)*

Anthony Catsimatides, the architect, was present to represent the file.

A. Catsimatides said the Owners want to renovate the house and do an expansion. He submitted some photographs of the existing house to show what the house looks like now. He said the original house which was built in 1820 does not exist, but he showed the outline of that structure. He showed where additions had been added and said they found drawings dating from 1956 that showed a renovation of the original structure. He showed where the house was situated between New York State Route 92 and US Route 20 off Meadow Hill Road. He explained where it was in relation to a neighboring home and where there were embankments of trees. He explained the driveway has deteriorated into almost nonexistence. He also explained how the interior of the house was designed in such a way that he believed the front entrance was on the other side of the house. He also described the topography of the site and where there was a flat area.

M. Koppers & R. Ridler mentioned the tennis court that was underwater,

A. Catsimatides called that “a disaster,” and said the owners will have that removed.

Referring to an aerial of the property that he had also provided for this evening, A. Catsimatides showed where there was a flat area along a ridge and said the property drops dramatically to Route 20. He said they were hoping to add a 3-car garage, an area for the children, and a workshop. He elaborated that Mr. Glass is a woodworker and he hopes to make the trim for the work. He said it would be a 2-story story structure with a shop downstairs. He displayed drawing A203 entitled *Main Level Proposed Plan Additions & Renovations For James And Gina-Lee Glass 4192 Meadow Hill Rd Cazenovia NY 13035 Tax ID 94.-1-08* which he created January 18, 2024. He said the current garage “was a mess,” with water running into it. He said they would remove

an existing skirt as well because it does not fit the character of the house. He elaborated they would like to keep the house in character with what it might have been in the past, even though they do not know how it originally looked. The addition will be connected to the existing space via a mud room which would also revise the entry into the house, eliminating a diagonal entry that resulted from the remodel dating back to 1956. This remodel would also include an expanded kitchen.

A. Catsimatides said by removing the 7000 square foot tennis court, an accessory building and some other surfaces, the addition (and a driveway) reduces the overall impervious surface area from 6.3% to 5.6%.

A. Ferguson asked the size of the lot.

A. Catsimatides answered it is five (5) acres.

A. Catsimatides received a copy of the General Municipal Recommendation Report (GML) from Madison County Planning Department.

M. Koppers asked the plan for the driveway.

A. Catsimatides said they have not decided on the material for the driveway, saying the Owners love the idea of a natural setting, but using asphalt would be the worst-case scenario, so he based his impervious calculation on that. He explained there was one tree that will probably be removed, which he said was “not in the greatest shape.” He said they may have to tweak the placement, but he situated the proposed location of the garage to avoid any further tree removal.

M. Koppers noted there was a driveway now, but Mr. Catsimatides had not shown a driveway as part of his existing impervious calculations.

A. Catsimatides said the gravel driveway was so disintegrated it was now basically a dirt path to the house; the driveway had not been maintained.

A. Ferguson commented had Mr. Catsimatides included the driveway, that would result in an even greater reduction (comparing the existing versus the proposed).

R. Ridler asked the net change in impervious coverage.

It would be .7% less.

R. Ridler asked if the swimming pool would be removed.

A. Catsimatides said the Owners had not indicated what they wanted to do with the pool. He assumed they would leave it; they did not include plans for the pool in their renovation plans, so he left that in his calculations and in his plans.

M. Koppers said her major concern was the water problem, with water draining to the house, and into the garage.

A. Catsimatides said the home has settled over time, and by doing the renovation, the slab from the garage will be entirely excavated which gives them an opportunity to regrade. He said there was a subterranean drainage system, but they have not entirely located its path, but he has designed drainage in various areas and they will engineer a way to divert drainage into that existing system.

M. Koppers asked Mr. Dunkle if he needed more information regarding the drainage.

J. Dunkle responded this was a private drainage issue - it does not affect any adjacent properties, so he does not need to review what the Owner designs.

It was noted the distance from Route 20 was 400 – 500 feet.

J. Langey said this would normally be considered a Type II Action, but he suggested the Board review the SEAF to be sure everyone agrees there were no concerns. He asked if he had heard that the Applicant was unsure of the location of the septic system and the well.

A. Catsimatides said they knew the well location, and they believed they knew the approximate location of the septic system.

J. Langey informed Mr. Catsimatides if the septic system caused a change in the plans for the project, he would have to return to the Board to approve any change.

A. Catsimatides expressed agreement and understanding.

M. Koppers believed the addition was near the well, so she doubted there would be any complications due to the septic location.

J. Langey asked Mr. Dunkle if he thought silt fencing should be utilized during construction.

J. Dunkle responded, "Sure."

A. Catsimatides asked about the placement of the silt fencing – if it should be where the land slopes away from the house.

J. Dunkle answered it should be placed "downslope of where you are working."

A. Catsimatides asked if that should be shown on the site plan.

He was told that was not necessary. Mr. Ladd would inspect that during the construction process.

M. Koppers said the outside materials were to match the rest of the house.

A. Catsimatides said the outside of the house was in need of repair. He said in the 1970's holes were drilled for insulation which failed, so new insulating will be done along with the replacement of shingles. He said they were looking at products that were dipped and finished on both sides which lengthens the lifespan of the shingles, and the color can be matched.

Motion by M. Koppers, seconded by A. Ferguson, to make a Negative Declaration based upon the review of the SEAF and to approve the site plan as most recently submitted and conditioned upon the use of silt fencing during construction was carried unanimously.

*Schmidtka, Audra with Hosmer Properties, LLC – Line Change – 2026 Rippleton Cross Rd
File # 24-1522 with Rippleton Cross Road
(Dale Bowers)*

Edward (Ted) Spencer, Esq was present to represent the file.

D. Bowers explained the location of the properties in relation to New York State Route 13 going south, Rippleton Cross Road, and Lane Road. He said the parcel conveying property was situated on either side of Lane Road. He explained the proposal had been before the ZBA because the conveyance of land would result in the parcel with the house on the east side of Lane Road being only 2.94 acres, so an area variance was needed because the minimum lot size allowed is three (3) acres. The Applicants were now before the Board for the line change that will merge the land on the west side of Lane Road with the adjoining Hosmer property.

Motion by D. Bowers, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, to move the file to a public hearing at the next Planning Board meeting in April, and to continue the file was carried unanimously.

*Siau, Matthew – Site Plan Review – 3625 West Lake Road, Cazenovia
File # 24-1518
(Anne Ferguson)*

Matthew Siau was present to represent the file.

M. Siau said he had received the GML.

D. Bowers replied the Board had received it electronically as well.

A. Ferguson explained the proposal was for a new house.

M. Siau said the property currently is vacant. The lot is approximately five (5) acres. The location of the house would be about 150 feet from West Lake Road. It would be a 2-story house with a 2-car garage, and the style would be barndominium with vaulted ceilings. He said the garage would not face the road and it would be on the south side. He had submitted the proposed well and septic locations. He noted there were some wetlands on the far- west side of the property, but they were well away from where the house would be located.

A. Ferguson noted the driveway location had been approved. She displayed the site plan submitted with the file that showed the driveway location as well as proposed home. She asked what the siding would be.

M. Siau answered it would be vertical wood plank siding.

R. Ridler asked if it would be board and batten.

M. Siau responded, "Yes."

A. Ferguson said she visited the site and the proposal would be compatible with the neighborhood.

J. Langey said this was a Type II Action in regards to SEQR.

Motion by A. Ferguson, seconded by D. Bowers, to approve the site plan as most recently submitted was carried unanimously.

*EBAC, LLC/ Owera Vineyards – Site Plan Review – 5276 East Lake Road, Cazenovia
File # 22-1428 (Robert Ridler)*

No one was present to represent the file.

R. Ridler reported that the latest information he had, based upon his conversation with Ms. Gagliano today, was that the Tasting Room would open next month under a new management company for Owera. He said the tent would be reinstalled this spring. There were no events scheduled at this time, although events may take place in the tent. Ms. Gagliano explained that during their absence from this Board, Owera has been restructuring management of the event operations and coordinating with New York State Department of Agriculture & Markets (Ag & Markets) to ensure Owera is in compliance with Ag & Markets rules and regulations.

A. Ferguson asked if the tent to be erected would be the existing tent or a new tent.

R. Ridler answered they would be using the existing tent. He said Ms. Gagliano anticipates returning to the Board next month.

L. Cushman asked if they would be returning with a building proposal.

R. Ridler replied Ms. Gagliano had just indicated they would be returning with new information. He was unsure what that information would be.

Motion by D. Bowers, seconded by J. Munger, to continue the file was carried unanimously.

*Love Frazee Assoc with Pushlar, Paul — Site Plan Review – Route 20 with Route 20 &
File # 23-1497 (Robert Ridler) Fenner Road, Cazenovia*
John Watson and Lluís Torrent were present to represent the file.

R. Ridler asked Jennifer Wong from the Cazenovia Preservation Foundation (CPF) and who was in the audience if she would like to move closer to better hear the proceedings.

R. Ridler asked the Applicants to report where they were and what they have accomplished since the last month.

J. Watson said they have been corresponding with John Dunkle, the Engineer for the Town of Cazenovia, and John Langey, the Attorney for the Town of Cazenovia. He said they wanted to discuss the interconnection poles and the pad-mount solution, the photo montage for the various angles, as well as some of their responses between engineering and legal, any SEQR comments that might have been received from the coordinated review, and any pending actions with CPF.

J. Watson said regarding the interconnection poles, the renderings they produced include the poles. He explained they have been working with National Grid on the pad-mount solution.

L. Torrent further elaborated that it was an ongoing discussion, but he felt it was a positive discussion. He showed where the point of interconnection was located and where they initially proposed it. National Grid maps show it to be 300 feet north of the existing line, so they asked if rather than connecting to the existing line, could they connect to the location more to the north. After National Grid's site visit and inspection, they determined the northern switch location was not strong enough to support the capacity of the solar farm. They requested the Applicants connect back to the other location. At that location the Applicants would have poles and National Grid would have poles. The Applicants can use the pad-mount solution for their poles, but they have to request National Grid to also convert their poles to the pad-mount solution. He believed National Grid would agree, but they do not have a confirmation from National Grid at this time.

R. Ridler said the Board could not insist, but they highly encourage the Applicants to use the pads.

L. Torrent responded he understood the importance and they were "pushing in that direction with National Grid."

J. Watson interjected it was "a matter of the exact technical solution of how it's going to work."

A. Ferguson understood that until the Applicants hear from National Grid, they cannot put that on their plan, so the Board will wait for that until the next meeting.

J. Watson said they were "starting to draft a plan of what it might look like."

L. Torrent said they have also spoken with some manufacturers of the pads. He was 90% sure National Grid would approve, but they were waiting to be 100% sure.

R. Ridler asked about the visual work they have done.

J. Watson said they sent a digital copy, but they also brought four (4) hard copies. They displayed the Photo Simulations found in Attachment 3 of the March 1, 2024 submission.

Observer Point Map (page 15) dated February 2024 was used to show where along the southern perimeter the visuals were located. Observer Point 4 from the wedding venue; Point 6 directly toward the array; Point 8 behind Cazenovia Equipment – where the poles (National Grid's and the Applicants') would be visible from Remington Park Drive, if the pad mount solution were not approved; Point 9 the view from the apartments –

also showing how the poles would be seen; and Point 13 behind the health center were circulated among the members.

It was noted that from most vantage points the visual impact would be minimal.

A. Ferguson asked if those could be approved; R. Ridler agreed.

R. Ridler said another screening issue that has been raised involves the buffer land owned by Paul Pushlar. He explained that if Mr. Pushlar cleared the land for agricultural purposes, the Board wondered what visual impact the array would then have from that vantage point.

J. Munger asked where that vantage point would be.

Jennifer Wong clarified that the vantage would be from the north looking south from Fenner Road.

J. Watson believed they would have enough setback to place a buffer along that border.

J. Munger asked what they would be screening it from.

D. Bowers did not believe it would be visible from Fenner Road.

R. Ridler said that was what the Board needed to know.

J. Watson said it could be an issue if a developer in the future put homes there.

R. Ridler did not believe that could happen because of the easement Mr. Pushlar has with CPF. He asked Ms. Wong if that was correct.

J. Wong said she could clarify that.

J. Munger asked if the easement extended all the way to Fenner Road.

J. Wong showed where the easements were and concluded everything between them could be cleared for agricultural purposes to Fenner Road.

A. Ferguson asked about future housing development.

J. Wong clarified the easement was for agricultural development only.

R. Ridler asked if the topography was such that one would not see the array from Fenner Road.

D. Bowers said the topography was uphill.

J. Wong responded there had not been any analysis of that view.

D. Bowers said, as a resident, he was not concerned about it.

J. Wong said CPF might not be opposed to Mr. Pushlar's maintaining a vegetative buffer.

D. Bowers asked if any of the property was in the Town of Fenner.

J. Wong responded the easement was divided with most of it being in the Town of Cazenovia.

J. Watson asked if Mr. Pushlar would need to maintain a buffer "on his side of things."

J. Wong said currently his easement allows him to clear; in their recent committee discussion there was not a concern that if Mr. Pushlar opted to enter into an agreement to maintain a certain vegetative buffer that would conflict with his easement.

J. Watson asked if Mr. Pushlar would need to amend his easement with CPF to maintain the vegetative buffer.

J. Wong responded it would not change any easement CPF has, it would change the subsequent agreement Mr. Pushlar would have with the Applicants on how to manage that forest land.

J. Watson asked if that would still be on Mr. Pushlar's side, not the Frazee side.

J. Wong indicated that was the case.

A. Ferguson asked the necessity for the agreement if there would be no visual impact.

J. Wong said the visual impact from Fenner Road had not yet been evaluated (at the time of the CPF discussion).

D. Bowers believed CPF was saying if the visual from Fenner Road were an issue, it would not affect their easement with Mr. Pushlar. He agreed the visual impact from Fenner Road was moot.

A. Ferguson concluded the visuals have been evaluated as submitted and the Board could then consider this item on the check list closed.

D. Bowers agreed.

R. Ridler then asked John Dunkle to discuss his latest comments.

J. Watson responded they had some responses from their technical team after Mr. Dunkle's latest comments earlier today, (so those would be forthcoming).

J. Dunkle explained his role was to explain how the project affects landscape, and in particular storm water. In reviewing the Storm Water Pollution Prevention Plan (SWPPP) he wanted to make sure the Applicants were accurately representing the existing conditions and runoff, and accurately representing what will happen after the panels are in place. He explained that if done correctly, the spacing of panels with some modifications to the landscape, those panels can be considered pervious and will not increase runoff, and that the New York Department of Environmental Conservation (DEC) supports that plan provided the details in the construction meet certain standards. He said the Applicants are not quite there yet, but they are working through those details. He said there are still some issues regarding how the hydrology model describes the cover that is in place, but he said, "We're close."

J. Dunkle said some other items he's been looking at and still needs some clarification include how much land will be disturbed and how much soil will be disturbed. He commented that he was having trouble reading the plan. Another item was how much clearing would be done. He believed it would be minimal, but he needed it confirmed and he needed to see a number on the plan.

J. Dunkle said regarding the Erosion and Sediment Control Plan, the silt fence placement needed to be addressed, but that was a minor issue.

J. Dunkle looked at the Operations and Maintenance (O & M) Plan and there had been a concern about the use of herbicides and pesticides, so that has been amended so there will no longer be any use of those.

J. Dunkle identified the existence of prime agricultural soils, so there was a concern that upon decommissioning those prime ag soils be restored to their original condition, so there are testing requirements that need to be done before commencement of the project, and when the project is decommissioned. He needed to make sure that language shows up in the right places at the start of the project and at the end of the project.

J. Dunkle believed the Applicants still need to work out the tree species and heights and final planting.

J. Dunkle noted the Applicants have provided a pollinator-friendly seed mix to be used around the perimeter of the site, not under the panels themselves. He said that was an item for the Board to consider. He said many times the pollinator mix is used under the panels as well.

A. Ferguson said that was the case for the last approved solar farm. She asked what the alternative was below the panels, wondering if it would be grass and weeds.

L. Torrent answered, "Yes, usually meadow." He elaborated they typically use the pollinator mix around the perimeter.

J. Dunkle said the proposed seed mix was blue grass and cover, not the pollinator mix proposed around the edge. He said it was the Board's decision if they wanted the pollinator-friendly mix over the whole site. He explained he was merely pointing that out for the Board's consideration when they review the landscaping.

J. Dunkle continued by saying the Decommissioning Plan would require collaboration with the attorney concerning amounts and those kinds of detail, but he said that was a future item.

J. Dunkle concluded by saying he was about six (6) comments from saying everything was good, and he expected by the next meeting they would be ready. He said his items were minor enough that if the Board wanted to consider scheduling a public hearing, he would fine with that. He said the details he's requesting of the Applicant will not change the Site Plan in any significant way.

R. Ridler asked Mr. Langey if he had any comments.

J. Langey replied the Applicants had addressed his comments and he was satisfied. He explained there would be certain agreements and documents that needed "to get hammered out," but this Board has worked through those before, and he would help them get through those.

R. Ridler asked about the Payment In Lieu of Taxes (PILOT) Agreement.

J. Langey explained the Applicants will propose a formal PILOT Agreement which will be handled by the Town Board. He said once the Board scheduled a public hearing, he expected to begin work on that shortly thereafter.

R. Ridler asked if a public hearing should be scheduled at this time.

A. Ferguson did not believe a public hearing should be scheduled until there was a finalized Site Plan and other items were closed out. The item regarding the use of pads versus poles was still unresolved.

J. Munger agreed.

R. Ridler asked if the Applicants had an indication of when they would have a decision from National Grid.

L. Torrent believed they would know by the April Planning Board meeting.

J. Watson repeated it was dependent upon the exact way they connect into the system, whether it can extend underground or if it's extended up the road with the pad. He said they need to know where they would put the pad.

R. Ridler agreed the public hearing should wait until that issue is resolved.

A. Ferguson asked if the Sun Chart, the Glare Analysis, the Utility Notification have been approved. She said these check list items should be addressed before closing out the review.

J. Dunkle responded the Glare Analysis and Sun Chart have been approved.

A. Ferguson said the Construction Timetable and Reporting to Ag & Markets were some other items.

L. Torrent answered the Agricultural Statement has been done.

A. Ferguson believed that needed review as well as the Wetlands Determination.

J. Dunkle said the Wetlands Determination was done.

A. Ferguson asked about the Business Operating Plan.

J. Watson said that the O & M Plan.

A. Ferguson believed "that was underway."

J. Watson said Mr. Dunkle has been reviewing that.

J. Dunkle said the O & M Plan was fine.

A. Ferguson asked about verification that there would be no impact from FAA.

L. Torrent answered that was previously submitted.

A. Ferguson asked about a letter from Emergency Services.

R. Ridler recalled a correction regarding signage.

A. Ferguson thought it was the number for who to call that was lacking. She estimated that there were about four (4) outstanding items.

J. Watson asked about the coordinated review for SEQR.

J. Langey said the letters were sent and the 30-day waiting period was over. He stated the Planning Board was the Lead Agency for the Environmental Review. He explained final SEQR determination would not be done until the approval was closer to consideration, in case any concerns were raised during the public hearing.

L. Torrent asked if the sequence would be the public hearing, comments during the public hearing, responses to public comment, and then SEQR review.

J. Langey indicated that was correct. He thought the Negative Declaration for the previous commercial solar project might have been done the same night as the project approval. He repeated the SEQR review would take place very near the time of the Board's final decision.

R. Ridler asked Ms. Wong if she had any other comments or questions at this time.

J. Wong said CPF's only other extenuating question was the transformers' proximity to the drainage of the wetland area and the potential for high-water events to affect that.

R. Ridler asked if the Applicants have considered the impact of high-water on the pads.

L. Torrent and J. Dunkle said the pads would be elevated.

A. Ferguson asked if the pads are above-ground.

L. Torrent answered the pads would be elevated "a couple of feet."

J. Watson asked how they could satisfy that concern,

R. Ridler answered when the Applicants have confirmation of the use of pads, they can note on the plans that the pads will be elevated sufficiently to avoid high-water.

J. Langey informed the Applicants that there was mention of a large Applied Energy Services (AES) solar project that may be happening nearby.

J. Watson asked if it would be a large project.

J. Langey responded he believed it would be a 94-C project.

Dennis Gregg was the local representative for the potential project.

J. Langey wanted the Applicants to be aware of this larger project.

J. Watson asked if this would be a New York State Office of Renewable Energy Siting (ORES) project.

J. Langey answered that was what he was told.

J. Wong believed it would be on 650 acres. She believed leases were still being sought.

J. Langey said, "It's just whispers right now, but I think the whispers are real."

L. Torrent asked if he could speak with Mr. Dunkle for a few minutes after the meeting.

J. Dunkle agreed.

Motion by D. Bowers, seconded by A. Ferguson, to continue the file was carried unanimously.

Motion by D. Bowers, seconded by G. Rasmussen, to adjourn the meeting at 8:57 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – March 8, 2024